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c 396 Theatres Act

Ontario

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CHAPTER 396

The Theatres Act

1. In this Act,

Interpre-
tation

- (a) "Board" means the Board of Censors appointed under this Act;
- (b) "Director" means the Director appointed under this Act;
- (c) "film" means moving picture film 16 millimetres or more in width;
- (d) "film depot" means any building or premises in which film is assembled for shipment;
- (e) "film exchange" means a 16-millimetre film exchange or a standard film exchange;
- (f) "inspector" means an inspector appointed under this Act;
- (g) "Minister" means the Minister of Travel and Publicity;
- (h) "projection equipment" means projectors, generators, rectifiers, rheostats, rewinding and revising apparatus, sound equipment and any other apparatus or equipment used in connection with the projection of moving pictures;
- (i) "projection room" means the room in which the projectors and sound equipment are installed and includes the rewind room, generator room and toilet room directly connected with or adjacent to the room in which the projector and sound equipment are installed;
- (j) "projectionist" means a person who operates a projector;
- (k) "projector" means any type of machine used for the projection of moving pictures;
- (l) "reel" means 1,000 feet or less in length of standard film or 400 feet or less in length of film 16 millimetres in width;

- (*m*) "regulations" means the regulations made under this Act;
- (*n*) "16-millimetre film exchange" means the business of renting, leasing, selling or distributing film 16 millimetres in width;
- (*o*) "standard film" means film 35 millimetres or more in width;
- (*p*) "standard film exchange" means the business of renting, leasing, selling or distributing standard film;
- (*q*) "Treasurer" means the Treasurer of Ontario. 1953, c. 104, s. 1; 1959, c. 100, s. 1.

Director

2.—(1) The Lieutenant Governor in Council may appoint a Director to administer and enforce this Act and the regulations and he has all the powers of an inspector.

Assistant
Director

(2) The Lieutenant Governor in Council may appoint an Assistant Director who shall act in lieu of the Director,

- (*a*) in the absence of the Director; or
- (*b*) when so instructed to act by the Director,

and when so acting has all the powers of the Director. 1953, c. 104, s. 2.

Board

3.—(1) There shall be a board known as the Board of Censors consisting of the Director who shall be chairman of the Board and the Assistant Director who shall be vice-chairman of the Board and such other persons as the Lieutenant Governor in Council may appoint.

Powers

(2) The Board has power,

- (*a*) to censor any film and, when authorized by the person who submits film to the Board for approval, remove by cutting or otherwise from the film any portion thereof that it does not approve of for exhibition in Ontario;
- (*b*) subject to the regulations, to approve, prohibit or regulate the exhibition of any film in Ontario;
- (*c*) to censor any advertising matter in connection with any film or the exhibition thereof;
- (*d*) subject to the regulations, to approve, prohibit or regulate advertising in Ontario in connection with any film or the exhibition thereof;
- (*e*) to classify any film as adult entertainment; and

- (f) to carry out its duties under this Act and the regulations.

(3) The Board may designate one or more of its members ^{Idem} to exercise the powers of the Board under clauses *c* and *d* of subsection 2 and in the exercise of such powers the member or members so designated have a right of entry to any theatre. 1953, c. 104, s. 3.

4.—(1) The Lieutenant Governor in Council may appoint ^{Inspectors} one or more inspectors who shall carry out such duties as may be assigned to them by this Act or the regulations or by the Director.

- (2) It is the duty of an inspector and he has power, ^{Powers and duties}
- (a) to inspect theatres, buildings or premises occupied by film exchanges, projectors and film;
 - (b) to supervise projectionist's examinations and tests;
 - (c) to prohibit the use or exhibition of any film that in his opinion is not safe;
 - (d) to prohibit the use of any projector installed or operated contrary to this Act or the regulations;
 - (e) to seize any projector installed or operated, or any film used or exhibited, contrary to this Act or the regulations;
 - (f) in the performance of his duties to enter any theatre or any building or premises occupied by a film exchange or any building or premises other than a theatre in which standard film is used to exhibit moving pictures. 1953, c. 104, s. 4.

5. The Director may require any person having in his possession or under his control films that have been approved ^{Returns to be made to Director} by the Board to make a return to the Director showing the number and names of such films and any other information he may require. 1953, c. 104, s. 5.

6. Any projector or film seized by an inspector under this Act shall be disposed of as directed by the Minister. ^{Disposal of seized projector or film} 1953, c. 104, s. 6; 1959, c. 100, s. 2.

7. No person shall obstruct the Director, Assistant Director, ^{Obstruction of inspector} a member of the Board or an inspector in the performance of his duties or furnish him with false information. 1953, c. 104, s. 7.

Police
officers,
power of
entry

8.—(1) Every constable and other police officer in the performance of his duties may enter any theatre during an exhibition or performance.

Fire
Marshal,
etc.

R.S.O. 1960,
c. 148

(2) The Fire Marshal, Deputy Fire Marshal and every district deputy fire marshal, inspector or assistant to the Fire Marshal, appointed or designated under *The Fire Marshals Act*, may enter and inspect any theatre. 1953, c. 104, s. 8.

Issue of
licences

9. All licences and renewals thereof under this Act shall be issued by the Director. 1953, c. 104, s. 9.

Licencee
to be
British
subject,
etc.

R.S.C. 1952,
c. 33

10. No licence shall be issued under this Act to an unincorporated person unless such person,

- (a) is a British subject; or
- (b) has lived in Canada for one year or longer and has filed a declaration of his intention to become a Canadian citizen under the *Canadian Citizenship Act* (Canada). 1953, c. 104, s. 10.

THEATRES

Classifi-
cation of
theatres

11. Theatres are classified and defined as follows:

1. Class A theatre means a building in which standard film is used to exhibit moving pictures and which may be used to exhibit shows and theatrical performances.
2. Class B theatre means a building in which standard film is used to exhibit moving pictures and which may be used to exhibit shows or theatrical performances providing no moveable scenery is used.
3. Class C theatre means a building in which standard film is used to exhibit moving pictures but which may not be used to exhibit shows or theatrical performances.
4. Class D theatre means any premises in which moving pictures are exhibited and viewed by the public from vehicles and commonly known as a drive-in theatre. 1953, c. 104, s. 11.

Theatre
licence
required

12. No person shall use any building as a Class A, Class B or Class C theatre without a licence therefor under this Act and no person shall use any premises as a Class D theatre without a licence therefor under this Act. 1953, c. 104, s. 12.

Application
for licence

13. Every application for a theatre licence or a renewal thereof shall be accompanied by the prescribed fee. 1953, c. 104, s. 13.

14. Every theatre licence expires on the 31st day of March ^{Term of licence} in each year unless renewed on or before that day. 1953, c. 104, s. 14.

15. No theatre licence shall be issued until the theatre ^{Condition to issue of licence} and the building in which the theatre is located conform to this Act and the regulations and have been approved by an inspector. 1953, c. 104, s. 15.

16. Every theatre licence is subject to the condition that ^{Sunday performances} no exhibition or performance shall be given or permitted to be given on a Sunday. 1953, c. 104, s. 16.

- 17.** The Director may suspend or cancel a theatre licence, ^{Suspension or cancellation of licence}
- (a) if the licensee or manager of the theatre contravenes any of the provisions of this Act or the regulations; or
 - (b) if in the opinion of the Director the theatre is not safe to be operated as a theatre;

but no licence shall be suspended or cancelled until the licensee has been afforded an opportunity to appear before the Director to show cause why the licence should not be suspended or cancelled. 1953, c. 104, s. 17.

18. Every theatre licence shall be displayed at all times ^{Display of licence} in a conspicuous place at the entrance to the theatre. 1953, c. 104, s. 18.

- 19.** No municipality shall, ^{Municipal licence}
- (a) license a theatre unless a licence therefor is in force under this Act;
 - (b) refuse to license a theatre when a licence therefor is in force under this Act; or
 - (c) charge a greater fee for licensing a theatre than that charged for a theatre licence under this Act in respect of the same theatre. 1953, c. 104, s. 19.

20. The licensee or, in his absence, the manager of a ^{Duty of licensee or manager} theatre shall, before each exhibition or performance, ensure that the provisions of this Act and the regulations respecting theatres are complied with. 1953, c. 104, s. 20.

21. No projector shall be operated in a theatre unless ^{Projector, approval} the projection equipment is installed in conformity with this Act and the regulations and has been approved by an inspector. 1953, c. 104, s. 21.

Standing
areas

22.—(1) All aisles, approaches, passageways, exits and stairways in a theatre shall be kept free and unobstructed and the public shall not be permitted to stand therein except in standing areas approved by the Director.

Approval

(2) The licensee of every theatre shall submit a plan of the foyer and lobby of the theatre, in triplicate, to the Director who shall indicate on the plan the standing areas approved by him and shall return one copy of the plan to the licensee.

Keeping of
plan in
manager's
office

(3) A copy of every plan showing the standing areas approved by the Director shall be kept in the office of the manager in the theatre in respect of which the plan was submitted and shall be available for inspection at all times. 1953, c. 104, s. 22.

Persons
under 14
years attend-
ing theatres

23.—(1) No person under fourteen years of age not accompanied by a person eighteen years or more of age shall attend or be permitted to attend an exhibition of moving pictures in a theatre,

(a) after the hour of 6 p.m. on any day;

(b) during the school term of public and high schools in the municipality in which the theatre is situated except,

(i) during school holidays between the hours of 9 a.m. and 6 p.m., and

(ii) during any other day during the term between the hours of 4 p.m. and 6 p.m.

Matron

(2) Where an exhibition of moving pictures is given in a theatre and persons under fourteen years of age not accompanied by persons eighteen years or more of age are permitted to attend, a matron shall be on duty in the theatre.

Idem

(3) Every matron shall be eighteen years or more of age and dressed in a uniform of a type approved by the Director. 1953, c. 104, s. 23.

Fire, panic,
etc.

24.—(1) Where a fire, panic or accident occurs in a theatre, the licensee or, in his absence, the manager shall immediately notify the Director thereof by telephone or telegraph and, except in the case of a fire confined to the projection room, shall forthwith notify him in writing stating the apparent cause of the fire, panic or accident and any damage or injury resulting therefrom.

Fire in
projection
room

(2) In the case of a fire confined to a projection room, the projectionist in charge of the projection room shall forthwith notify the Director in writing stating the apparent cause of

the fire and any damage or injury resulting therefrom. 1953, c. 104, s. 24.

25.—(1) The national anthem shall be played in every theatre at the commencement of the first or at the conclusion of the last exhibition or performance given each day. National anthem

(2) Where a matinee exhibition or performance is given and the theatre is closed for any period of time before the evening exhibitions or performances are given, the national anthem shall be played at the commencement or conclusion of the matinee exhibition or performance and at the commencement of the first or at the conclusion of the last evening exhibition or performance given each day. 1953, c. 104, s. 25. Idem

26.—(1) Where a film that has been classified as adult entertainment is exhibited in a theatre, such signs as the regulations may prescribe indicating that the film exhibited is adult entertainment shall be displayed in such manner as the regulations may prescribe. Adult entertainment

(2) All advertising matter in connection with a film classified by the Board as adult entertainment or the exhibition thereof shall indicate in such manner as the regulations may prescribe that the film is adult entertainment. 1953, c. 104, s. 26. Idem

27. The council of a city, town, village or township may pass by-laws prohibiting the construction of a theatre within 200 feet of a church or place of worship. 1953, c. 104, s. 27. Prohibiting construction of theatre near church

PROJECTIONISTS

28. No person shall,

(a) operate a projector designed for the use of standard film; or

(b) operate a projector in a theatre,

unless such person is licensed as a projectionist under this Act and no licensee or manager of a theatre shall permit any person to operate a projector in a theatre unless such person is licensed as a projectionist under this Act. 1953, c. 104, s. 28. Operation of projector without licence

29. Projectionist licences are classified as first class, second class and apprentice. 1953, c. 104, s. 29. Licences, classification

30. An application for examinations and tests for any class of projectionist licence shall be made to the Director accompanied by the prescribed fee. 1953, c. 104, s. 30. Application for examinations

Eligibility
for re-
examination

31.—(1) Where an applicant fails to pass the examinations and tests required by the Director, he is not eligible to try the examinations and tests a second time until he has worked as an apprentice or as the holder of a second-class licence, as the case may be, for such further period as the Director requires.

Idem

(2) Where an applicant fails to pass the examinations and tests a second time, he is not eligible to try such examinations and tests again except by leave of the Director. 1953, c. 104, s. 31.

Licences:
first-class

32.—(1) A first-class licence may be issued by the Director on payment of the prescribed fee to the holder of a second-class licence who has passed the examinations and tests required by the Director for a first-class licence.

second-
class

(2) A second-class licence may be issued by the Director on payment of the prescribed fee,

- (a) to the holder of an apprentice licence who has served as an apprentice for such period as the Director requires and has passed the examinations and tests required by the Director for a second-class licence; or
- (b) to any person who has operated projection equipment elsewhere than in Ontario and who furnishes to the Director information in respect of such operation satisfactory to the Director and has passed the examinations and tests required by the Director for a second-class licence.

apprentice

(3) An apprentice licence may be issued by the Director on payment of the prescribed fee to any person,

- (a) who is eighteen years or more of age; and
- (b) who furnishes to the Director,
 - (i) proof of age,
 - (ii) satisfactory evidence of physical ability to handle projection and fire-fighting equipment, and
 - (iii) satisfactory evidence that he does not suffer from any physical or mental disability that would prevent him from operating projection equipment safely. 1953, c. 104, s. 32.

Expiration
of licence

33. Every projectionist licence expires on the 31st day of March in each year unless renewed on or before that day. 1953, c. 104, s. 33.

34. An application for renewal of a projectionist licence shall be accompanied by the prescribed fee. 1953, c. 104, s. 34. Renewal of licence

35. Projectionist licences are not transferable. 1953, c. 104, s. 35. Transfer of licence

36. The Director may suspend or cancel the licence of any projectionist who contravenes any of the provisions of this Act or the regulations, but no licence shall be suspended or cancelled until the projectionist has been afforded an opportunity to appear before the Director to show cause why the licence should not be suspended or cancelled. 1953, c. 104, s. 36. Suspension and cancellation for contravention

37. No licensee or manager of a theatre shall knowingly permit a projectionist to contravene any of the provisions of this Act or the regulations. 1953, c. 104, s. 37. Responsibility of licensee

CENSOR OF FILMS AND ADVERTISING

38. All film before being exhibited in Ontario shall be submitted to the Board for approval, accompanied by the prescribed fee. 1953, c. 104, s. 38. Approval of film

39. When film is approved by the Board, it shall be so stamped. 1953, c. 104, s. 39. Stamping

40.—(1) A certificate signed by the chairman or vice-chairman of the Board shall be issued in respect of each reel approved by the Board and shall accompany the reel at all times. Certificate to accompany reel

(2) Where certificates are lost or destroyed, application for duplicate certificates may be made to the Board setting forth the title of the film and the number of certificates lost or destroyed, and accompanied by the prescribed fee. 1953, c. 104, s. 40. Lost certificates

41. No person shall exhibit or cause to be exhibited in Ontario any film that has not been approved by the Board. 1953, c. 104, s. 41. Exhibition of film not approved by Board

42. No person shall alter or cause to be altered any film from its state as approved by the Board. 1953, c. 104, s. 42. Alteration of film

43.—(1) No person shall use or display any advertising matter in connection with film or the exhibition thereof unless a sample of the advertising matter has been approved by the Board. Approval of advertising

Samples to
be sub-
mitted to
Board

(2) Before advertising matter in connection with film or the exhibition thereof is used or displayed in Ontario, a sample thereof in duplicate accompanied by the prescribed fee shall be submitted to the Board for approval.

Samples
stamped
approved

(3) Where a sample of advertising matter is approved by the Board, it shall be so stamped and one sample shall be returned to the person who submitted it. 1953, c. 104, s. 43.

FILM EXCHANGES

Film
exchange
licence

44. No person shall carry on the business of a 16-millimetre film exchange or a standard film exchange without a licence therefor from the Director. 1953, c. 104, s. 44.

Application
for licence
or renewal

45. An application for a film exchange licence or a renewal thereof shall be accompanied by the prescribed fee. 1953, c. 104, s. 45.

Term of
licence

46. Every film exchange licence expires on the 31st day of March in each year unless renewed on or before that day. 1953, c. 104, s. 46.

Conditions
or issue of
licence

47. A standard film exchange licence shall be issued only if the building occupied by the film exchange,

- (a) is of fire-resistive construction in that portion of the building in which film is handled or stored;
- (b) is not more than two storeys in height;
- (c) is not situated within 50 feet of any building occupied as a school, church, hospital or hotel or place of public assembly;
- (d) is not occupied as a dwelling; and
- (e) in the opinion of the Director, is not occupied by another business that is dangerous to the carrying on of the business of the film exchange. 1953, c. 104, s. 47.

Transfer of
licence

48. A film exchange licence shall not be transferred without the written consent of the Director. 1953, c. 104, s. 48.

Suspension
or cancella-
tion of
licence

49. The Director may suspend or cancel any film exchange licence if the licensee has contravened any of the provisions of this Act or the regulations, but no licence shall be suspended or cancelled until the licensee has been afforded an opportunity to appear before the Director to show cause why the licence should not be suspended or cancelled. 1953, c. 104, s. 49.

50. No film exchange shall supply standard film to any person who does not hold a theatre licence under this Act or a licence under this Act to exhibit standard film in any building or premises other than a theatre in respect of which a licence is in force under this Act. 1953, c. 104, s. 50.

51. No film exchange shall supply any person with advertising matter in connection with film or the exhibition thereof that has not been approved by the Board. 1953, c. 104, s. 51.

52. No person shall smoke or be permitted to smoke in any portion of a building or premises occupied by a film exchange in which film is handled or store. 1953, c. 104, s. 52.

53. Where a fire occurs in a building or premises occupied by a film exchange or where any film of the film exchange is damaged or lost by reason of a fire elsewhere than in the building or premises occupied by the film exchange, the licensee of the film exchange or, in his absence, the person in charge shall forthwith notify the Director in writing stating the apparent cause of the fire and any damage or loss resulting therefrom. 1953, c. 104, s. 53.

54. No film other than film having a cellulose acetate base or a base having equivalent slow-burning characteristics and commonly known as safety film shall be kept or stored in a film exchange or film depot. 1959, c. 100, s. 3.

BUILDING PLANS

55. No person shall construct or alter any building or premises intended for use as a theatre or to be occupied by a film exchange until the plans of the proposed construction or alteration have been submitted to and approved by the Director. 1953, c. 104, s. 54.

56. The Director shall not approve the plans for the construction of a Class D theatre unless there is submitted with the application for such approval a copy of a resolution of the council of the local municipality in which such theatre is proposed to be constructed authorizing the construction of such theatre in the municipality, and such approval shall not be deemed to be a licence under section 12. 1954, c. 96, s. 1.

57. In the event of a conflict between this Act and the regulations and a municipal building by-law, this Act and the regulations prevail. 1953, c. 104, s. 55.

MISCELLANEOUS LICENCES

Licence to
operate
16-mm. pro-
jector

58.—(1) No person shall operate a projector designed for the use of film 16 millimetres in width for hire or gain without a licence therefor from the Director.

Application

(2) An application for a licence under this section shall be accompanied by the prescribed fee.

Term of
licence

(3) Every licence issued under this section expires on the 31st day of March following the date of issue. 1953, c. 104, s. 56.

Licence to
exhibit
standard
film else-
where than
in theatre

59.—(1) No person shall exhibit standard film in any building or premises other than a theatre in respect of which a licence is in force under this Act without a licence therefor from the Director.

Application

(2) An application for a licence under this section shall be accompanied by the prescribed fee.

Term of
licence

(3) A licence issued under this section remains in force for such term as is specified in the licence. 1953, c. 104, s. 57.

APPEAL

Appeal

60.—(1) Any person who deems himself aggrieved by a decision of the Board, Director, Assistant Director or an inspector may, within ten days after the receipt of notice in writing of the decision, appeal in writing to the Minister who shall, upon notice to all interested parties, hear the appeal and approve, disapprove or vary the decision appealed against. 1953, c. 104, s. 58 (1); 1959, c. 100, s. 4 (1).

Suspension
of licence
not affected

(2) The making of an appeal under this section does not affect the suspension or cancellation of a licence pending the disposition of the appeal by the Minister. 1953, c. 104, s. 58 (2); 1959, c. 100, s. 4 (2).

OFFENCES

Offence

61. Every person who contravenes any of the provisions of this Act or the regulations, or any order of the Board, Director or Assistant Director, is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$500. 1953, c. 104, s. 59.

Application
of fees and
fines

62. All fees collected under this Act and all fines recovered for offences against this Act or the regulations shall be paid to the Treasurer and shall form part of the Consolidated Revenue Fund. 1953, c. 104, s. 60.

REGULATIONS

63.—(1) The Lieutenant Governor in Council may make ^{Regulations} regulations,

1. prescribing the type of construction, heating, ventilating and lighting for theatres or any class thereof or for buildings or premises occupied or to be occupied by film exchanges and regulating and governing the design, construction, alteration, maintenance, repair, heating, ventilating and lighting of theatres or any class thereof or of buildings or premises occupied by film exchanges;
2. prescribing, regulating and governing the equipment to be used for the prevention and extinguishment of fire in theatres or any class thereof or in buildings or premises occupied by film exchanges;
3. prescribing the equipment, apparatus or furnishings or the type thereof to be used in theatres or any class thereof or in buildings or premises occupied by film exchanges;
4. regulating and governing the arrangement and use of equipment, apparatus or furnishings in theatres or any class thereof or in buildings or premises occupied by film exchanges;
5. prescribing the type of construction for vaults to be used for the storage of film or any class or type thereof;
6. providing that any material to be used in the construction, alteration, maintenance, repair, heating, ventilating or lighting of theatres or any class thereof or of buildings or premises occupied or to be occupied by film exchanges shall be approved by the Director and that any equipment, apparatus or furnishings to be used in theatres or in buildings or premises occupied by film exchanges or the arrangement or use thereof shall be approved by the Director;
7. regulating and governing the storage of film or any type or class thereof, advertising matter in connection with film or the exhibition thereof, film cement or any flammable material;
8. providing that film depots shall conform to any of the provisions of this Act or the regulations respecting film exchanges;

9. prohibiting and regulating the use and exhibition of film or any type or class thereof;
10. prohibiting and regulating the use and display of any advertising matter in connection with any film or the exhibition thereof;
11. requiring any proportion of films available for distribution to exhibitors or of films exhibited in theatres or any class thereof to be of British manufacture and origin and fixing such proportion on a monthly or yearly basis;
12. prescribing the responsibilities and duties of projectionists or of any class thereof;
13. prescribing the terms and conditions under which projection equipment may be operated;
14. prescribing the terms and conditions under which film or any type or class thereof may be sold, rented, leased or distributed;
15. prescribing the nature of the plans to be submitted to the Director under this Act and the qualifications of persons by whom such plans are to be prepared and certified;
16. prescribing the signs that shall be displayed in respect of the exhibition in a theatre of film classified by the Board as adult entertainment and the manner in which the signs shall be displayed;
17. prescribing the manner in which advertising matter in connection with any film classified by the Board as adult entertainment or the exhibition thereof shall indicate that the film has been so classified;
18. regulating and governing the conduct of projectionists or other persons in theatres or any class thereof or in buildings or premises occupied by film exchanges;
19. providing for the issue, renewal and transfer of theatre licences and film exchange licences or any class thereof and prescribing the fees therefor;
20. prescribing the fees to be paid by applicants for examinations and tests for any class of projectionist licence;
21. providing for the issue and renewal of projectionist licences or any class thereof and prescribing the fees therefor;

22. prescribing the fees to be paid for censoring and approving of film or reels or of any type or class of film or reels;
23. prescribing the fees to be paid for censoring and approving of advertising matter in connection with any film or the exhibition thereof;
24. prescribing the fees to be paid for the issue of certificates of approval and duplicates thereof;
25. providing for the issue of licences to exhibit standard film in buildings or premises other than a theatre in respect of which a licence is in force under this Act and prescribing the fees therefor;
26. providing for the issue and renewal of licences to operate projectors designed for the use of film 16 millimetres in width and prescribing the fees therefor;
27. prescribing forms and stampings and providing for their use;
28. exempting any theatre, film exchange, projector, or film, or any class or type thereof, from any of the provisions of this Act or the regulations;
29. respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) Any regulation made under this section may be limited Limitation as to time or place, or both.

(3) Any word or expression used in this Act or the regulations may be defined in the regulations for the purposes of Expressions defined in regulations the regulations. 1953, c. 104, s. 61.

